

Message Text

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ACTION OES-07

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FM USMISSION GENEVA
TO SECSTATE WASHDC 8080
AMEMBASSY BRASILIA

C O N F I D E N T I A L GENEVA 05200

E.O. 11652
TAGS: PLOS
SUBJECT: US/BRAZIL SHRIMP NEGOTIATIONS

REF: STATE 86620

1. CLINGAN AND MINISTER PROENCA ROSA HAD AGREED TO MEET INFORMALLY IN GENEVA DURING LOS DISCUSSIONS BUT BRAZILIAN LOS DEL INFORMS THAT PROENCA ROSA NOT PRESENT AND NOT PLANNING TO BE IN GENEVA DURING REMAINING TIME SCHEDULED FOR LOS.

2. PRIOR TO DEPARTURE FROM BRASILIA, CLINGAN HAD INFORMAL CHAT WITH PROENCA ROSA. LATTER HAD TAKEN VIEW THAT U.S. POSITION ON MANDATORY JOINT VENTURES COULD NOT BE ACCOMMODATED WITHIN FRAMEWORK OF HIS DISCRETIONARY AUTHORITY. HE SAID THAT HE HAD NO AUTHORITY TO MAKE CHANGES OF SUBSTANCE IN MODEL AGREEMENT. CLINGAN TOOK POSITION THAT A CHANGE WHICH WOULD TRANSFORM A U.S. OBLIGATION TO ENSURE AMERICAN ENTERPRISE PARTICIPATION IN JOINT VENTURES (UNACCEPTABLE TO US) TO A BRAZILIAN RIGHT TO REQUIRE THEM AS A MATTER OF BRAZILIAN LAW, WOULD NOT BE A SUBSTANTIVE CHANGE. PROENCA ROSA WAS NOT CERTAIN AND, THEREFORE, FELT THAT HE HAD TO SUBMIT THE PROBLEM FOR INTERNAL REVIEW. HE AGREED TO DO SO, BUT WOULD NOT COMMIT TO A TIMETABLE. CLINGAN
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OFFERED TO RETURN FROM GENEVA, IF REQUIRED, TO REOPEN TALKS AT ANY TIME.

3. AT LAST MEETING, PROENCA ROSA WAS RELUCTANT TO DISCUSS OTHER AGREEMENTS, PENDING OR PROSPECTIVE. HE DID SAY, HOWEVER, THAT HE WOULD NOT BE LIKELY TO WANT TO TALK TO US BEFORE EXPLORING OTHER POSSIBILITIES, E.G., AGREEMENTS

WITH FRANCE, JAPAN OR SPAIN, WHICH COUNTRIES HE CLAIMED WERE SHOWING INTEREST IN BRAZILIAN SHRIMP.

4. COMMENT: CLINGAN VIEWED PROENCA ROSA AS ALL BUT CLOSING DOOR. NO REAL PROSPECT WAS HELD OUT FOR RENEWAL OF TALKS DESPITE OUR FORMAL AND INFORMAL EFFORTS IN THAT DIRECTION. ONE MAJOR FACTOR APPEARED TO BE THE NEAR COMPLETION OF ARRANGEMENTS WITH CASTLE AND COOK, WHO HAVE NO LEGAL OR OTHER DIFFICULTIES IN FLYING BRAZILIAN FLAG. ON THE POSITIVE SIDE, SUDEPE WAS MOST CONCERNED ABOUT LOSS OF U.S. SCIENTIFIC RESEARCH PROGRAMS, AND PRIVATELY VOICED THE OPINION THAT BOTH THE AMOUNTS OF EQUITY PARTICIPATION AND THE QUESTION OF FLAG COULD BE FUDGED. CLINGAN WOULD WELCOME NEWS OF ANY SIGN ON BRAZILIAN SIDE THAT MIGHT INDICATE DESIRE TO RESUME DISCUSSIONS. SHOULD PROENCA ROSA ARRIVE GENEVA, CLINGAN WILL EXPLORE FURTHER POSSIBILITIES. RICHARDSON

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